

# State of California



## Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 • • • 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance  
(916) 322-5662

• • Administration • •  
322-5660

Executive/Legal  
322-5901

• • Enforcement  
322-6441

December 21, 1984

Stephen Eckis  
City Attorney  
City of Poway  
P.O. Box 785  
Poway, CA 92064

Re: Your Request for Advice  
Our File No. A-84-289

Dear Mr. Eckis:

This letter is sent to confirm our telephone conversation regarding the above advice request. As I told you on the phone, we are unable to advise you on the substance of your request, i.e., whether the Voices for the Preborn PAC properly reported its contributions and expenditures in connection with a particular piece of campaign literature, since you do not represent the group and it raises unresolved factual issues.

On the issue of the extent of your authority to request information from filers, I can advise you only as to the provisions of the Political Reform Act. The Act does not grant you, as the City Attorney, any authority to request further information or documentation on campaign filings. The City Clerk, as the filing office for certain filings, may conduct a facial review only of the forms and may impose late filing penalties. See Government Code Sections 81010 and 91013 (copy of Act enclosed); see also Opinion requested by Rex E. Layton, 1 FPPC Opinions 113 (No. 75-072, August 21, 1975) (copy enclosed). The authority for the enforcement of the provisions of the Act is vested only in the Commission, the Attorney General and the district attorneys. See Section 91000, et seq.


My understanding is that, at this point, you do not want us to treat your letter as a complaint and refer the matter to the Enforcement Division. However, at your request, I will ask someone in the Enforcement Division to call you to discuss the matter.

---

Stephen Eckis  
December 21, 1984  
Page 2

If I may be of further assistance, please feel free to  
contact me at (916) 322-5901.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diane Maura Fishburn", with a long horizontal flourish extending to the right.

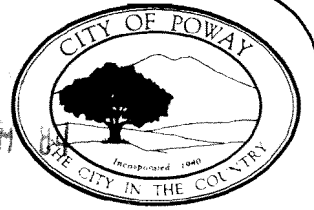
Diane Maura Fishburn  
Staff Counsel  
Legal Division

DMF:plh  
Enclosure

# CITY OF POWAY

BRUCE TARZY, Mayor  
BOB EMERY, Deputy Mayor  
CARL KRUSE, Councilmember  
LINDA ORAVEC, Councilmember  
MARY SHEPARDSON, Councilmember

NOV 26 6 11 AM '84



November 20, 1984

State of California  
Fair Political Practices Commission  
Enforcement Division  
P.O. Box 807  
Sacramento, California 95804

Re: Recipient Committee Campaign Statement

To Whom It May Concern:

Following discussion with an FPPC staff person, the City of Poway respectfully requests an opinion and a suggested course of action pursuant to Government Code §83114 on the following situation:

Shortly before the November 6, 1984 election in the City of Poway, three separate materials were hand delivered as one packet to approximately 8,000 residences in Poway. The largest of these pieces has a newspaper-type format which neither endorses nor opposes any of the local candidates by name. Inside this newspaper-type literature however, were two single slips of paper (See samples enclosed). One of these expressly urged the election of two candidates for Poway City Council. The other, with the then current mayor's name stamped thereon, impliedly opposes the mayor's reelection. Only the slip endorsing the council candidates bears the identification of Voices for the Preborn, PAC, the committee which filed the campaign statement.

The committee timely filed its campaign statement with the City of Poway, describing the amount expended for handouts supporting candidates as \$52.00. It would seem that the amount reported may understate the total value of the contribution considering the large number of hand delivered materials contributed.

Our questions are as follows:

1. With regard to handouts distributed in a "packet" form, must the costs expended for the entire packet be reported, even though some individual part of the packet neither endorses nor opposes a candidate expressly?

City Hall Located at 13325 Civic Center Drive  
Mailing Address: P.O. Box 785, Poway, California 92064 • (619) 748-6600, (619) 695-1400

November 21, 1984

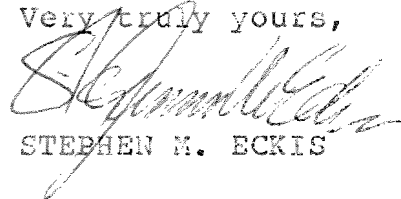
Specifically, must the expenditure for the newspaper-type handout be reported? Must the expenditure for 5½"x4½" white card with the candidate's name stamped in be reported?

2. If the handouts referred to above were not printed at the request of Voices for the Preborn, PAC, but were instead donated, must the PAC report the fair market value of the handouts as an in-kind contribution?

3. Does the City have authority to request further information or verification of amounts listed in the statement? If not, what should be the City's course of action in the matter?

A copy of the Recipient Committee Campaign Statement is enclosed for your reference. A copy of the Poway Campaign Ordinance is also enclosed. If I can be of assistance in clarifying any of the above, please do not hesitate to call me. Thank you for your prompt attention.

Very truly yours,



STEPHEN M. ECKIS

SME/djl

Encl.

cc. James L. Bowersox, City Manager



Form 450  
1984

RECIPIENT COMMITTEE CAMPAIGN  
STATEMENT — SHORT FORM  
(Government Code Section 84200—84217)

For use by recipient committees which do not receive contributions or loans from any single source totaling \$100 or more. Recipient committees which receive individual or cumulative contributions or loans of \$100 or more from a single source must file Form 420.

(Type or Print in Ink)

Statement covers period from 1/1/84 through 10/20/84

RECEIVED

OCT 26 1984

CITY OF POWAY  
CITY CLERK'S OFFICE

A OFFICIAL USE ONLY

NAME OF COMMITTEE:

VOICES FOR THE PREBORN, PAC

I.D. NUMBER

ADDRESS OF COMMITTEE:

NO. AND STREET

CITY

STATE

ZIP CODE

AREA CODE

PHONE NUMBER

1106 Second St #212

ENCINITAS

CA

92024

NAME OF TREASURER:

TERRI HOGAN

2221 OXFORD ST

CARDIFF

CA 92007

PERMANENT ADDRESS OF TREASURER:

NO. AND STREET

CITY

STATE

ZIP CODE

AREA CODE

PHONE NUMBER

2221 OXFORD ST

CARDIFF

CA

92007

DATE OF ELECTION (MO., DAY, YR.): (IF APPLICABLE)

TOTAL PAGES

SPONSORING ORGANIZATION (IF APPLICABLE)

I EXPENDITURES AND CONTRIBUTIONS MADE TO: (Amounts may be rounded off to whole dollars)

OFFICIAL USE ONLY	DATE	NAME & ADDRESS OF PAYEE (If committee, also enter I.D. No. or Treasurer's name and address)	DESCRIPTION OF EXPENDITURE OR CONTRIBUTION MADE	NAME OF CANDIDATE & OFFICE OR NAME OF BALLOT MEASURE & BALLOT NUMBER OR LETTER	Check one Sup- Op- port- pose	AMOUNT	CUMU- LATIVE AMOUNT
	9/28/84	Encinitas Blue Print 161 Melrose Av. Encinitas CA 92024	PAC Handouts Supporting Council Candidate	Millinghby and O'Dell, City Council Candidates	X	52.00	

Attach additional information on appropriately labeled continuation sheets.

SUBTOTAL (Carry with any additional subtotals to Line 1, Part IV) S

52.00

\*Date is required only for payments which are contributions or independent expenditures.

YOU MUST COMPLETE THE SUMMARY AND VERIFICATION ON PAGE 2

OFFICIAL USE  
ONLY

C

D

E

F

For information required to be provided to you pursuant to the Information Practices Act of 1977, see "Information Manual on Campaign Disclosure Provisions of the Political Reform Act," Part X.

NAME \_\_\_\_\_

**II LOANS MADE TO: (Amounts may be rounded off to whole dollars)**

DATE	FULL NAME & ADDRESS OF RECIPIENT (If committee, also enter I.D. Number or Treasurer's name and address)	NAME OF CANDIDATE AND OFFICE OR NAME OF BALLOT MEASURE AND BALLOT NUMBER OR LETTER		INTER- EST RATE	AMOUNT OF LOAN	CUMULATIVE AMOUNT
		Check one Support Oppose				
Attach additional information on appropriately labeled continuation sheets.						
SUBTOTAL (Carry with additional subtotals to Line 3, Part IV) \$						

**III LOANS REPAID BY: (Amounts may be rounded off to whole dollars)**

FULL NAME AND ADDRESS OF DEBTOR PLUS PERSON WHO REPAID THE LOAN IF DIFFERENT (If the loan was made to a committee, list the committee's name, address and I.D. Number. If the committee I.D. Number is unknown list the treasurer's full name and street address.)	AMOUNT REPAID THIS PERIOD	UNPAID BALANCE
Attach additional information on appropriately labeled continuation sheets.		
SUBTOTAL (Carry with additional subtotals to Line 5, Part IV) \$		

**IV SUMMARY****EXPENDITURES**

- Expenditures of \$100 or more this period (Part I) ..... \$
- Expenditures under \$100 (Not itemized) ..... 52.00
- Loans made this period (Part II) .....
- Subtotal (Line 1 + 2 + 3) ..... \$
- Loans repaid this period (Part III) .....
- Net expenditures this period (Line 4 - 5 may be negative amount) ..... \$
- Cumulative expenditures from prior statement .....
- Cumulative expenditures to date (Line 6 + 7) ..... \$ 52.00

**RECEIPTS**

- Monetary contributions received this period. . . \$ 52.00
- Non-monetary contributions received this period .....
- Cumulative total from previous period. . . . . 0
- Cumulative contributions received to date (Line 9 + 10 + 11) ..... \$ 52.00

**CASH FLOW STATEMENT**

- Cash on hand at beginning of period ..... \$ 0
- Cash receipts this period (Line 5 + 9) ..... 52.00
- Miscellaneous adjustments to cash .....
- Cash expenditures this period (Line 4) ..... 52.00
- Cash on hand at end of period (Line 13 + 14 + 15 - 16) ..... \$ 0

**VERIFICATION**

This committee has not received any contributions, cumulative contributions, or loans from a single source totaling \$100 or more. I declare under penalty of perjury that this campaign statement is true, correct and complete to the best of my knowledge and that I have used all reasonable diligence in its preparation.

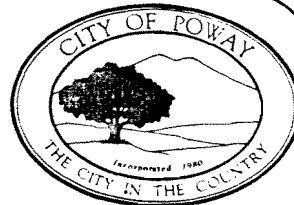
Executed on 10/25/84 at CARDIFF, CA.  
(DATE) (CITY AND STATE)

by Juan Hoaglin  
(SIGNATURE OF TREASURER)

Executed on \_\_\_\_\_ at \_\_\_\_\_  
(DATE) (CITY AND STATE)

by \_\_\_\_\_  
(SIGNATURE OF CANDIDATE OR OFFICEHOLDER)

# CITY OF POWAY



BRUCE TARZY, Mayor  
BOB EMERY, Deputy Mayor  
CARL KRUSE, Councilmember  
LINDA ORAVEC, Councilmember  
MARY SHEPARDSON, Councilmember

## DECLARATION

### ATTACHMENT TO CAMPAIGN STATEMENTS

### FILED IN THE CITY OF POWAY

I Robert Brown hereby declare under penalty of perjury that I have neither accepted nor solicited any campaign contributions in excess of the limitations of or in contravention of Section 3 of Ordinance No. 50.

Robert Brown  
SIGNATURE OF CANDIDATE or  
COMMITTEE CHAIRPERSON

*Final statement enclosed.*

October 9, 1984

City of Poway  
Attn: Stephen M. Eckis  
13325 Civic Center Drive  
P. O. Box 785  
Poway, CA 92064

Dear Mr. Eckis:

In follow-up to your letter of October 2, 1984 regarding Voices for the Preborn, PAC, and in accordance with the Poway Municipal Code, Section 2.28 generally and 2.28.070 specifically, I hereby declare to the Poway City Clerk that to the best of my knowledge not more than two hundred dollars has been received or expended on behalf of, or in opposition to, any or all candidates for the City Council, and said contributions have not exceeded those limitations established in Section 2.28.030.

Very truly yours,



Robert C. Roosen  
Voices for the Preborn, PAC

1106 Second Street  
Encinitas, CA 92024



City of Poway  
Attn: Stephen M. Eckis  
13325 Civic Center Drive  
P. O. Box 785  
Poway, CA 92064



ORDINANCE NO. 50

AN ORDINANCE OF THE CITY OF POWAY, CALIFORNIA  
PERTAINING TO THE ESTABLISHMENT OF RULES AND  
REGULATIONS GOVERNING CONTRIBUTIONS TO  
POLITICAL CAMPAIGNS IN MUNICIPAL ELECTIONS  
AMENDING SECTIONS 32.901 - 32.935 OF THE  
CITY OF POWAY REGULATORY ORDINANCES

THE CITY COUNCIL OF THE CITY OF POWAY, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

Section 1: Intent and purpose: It is the intent of the City Council in enacting this Ordinance to place realistic and enforceable limits on the amount individuals may contribute to political campaigns in municipal elections, as well as to supplement the requirements of state law with regard to the reporting of campaign contributions and expenditures, for the purpose of preventing the exercise by campaign contributors of potential undue or improper influence over elected officials and to inform the public of the sources and objects of campaign contributions and expenditures. The City Council finds that municipal elections are municipal affairs and that the regulation of campaign expenditures and contributions in municipal elections is not preempted by general state law and is proper subject of municipal regulation under the authority granted to cities by Article XI, Section 7 of the California Constitution and the State Government Code Section 81013.

Section 2: Definitions: For the purposes of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Campaign Statement: An itemized report which is prepared on a form provided by the City Clerk and which provides the information required by this article.

Candidate: An individual who is listed on the ballot or who has qualified to have write-in votes on his or her behalf counted by election officials, for nomination for or election to any elective city office or who receives a contribution or makes an expenditure or gives his or her consent for any other person to receive a contribution or make an expenditure with the intention of bringing about his or her nomination or election to any elective city office, whether or not the specific elective office for which he or she will seek nomination or election is known at the time the contribution is received or the expenditure is made and whether or not he or she has announced his or her candidacy or filed a declaration of candidacy at such time. "Candidate" also includes any city office holder who is the subject of a recall election.

Clerk: The City Clerk.

Closing Date: The date through which any report or statement filed under this article is required to be complete.

Committee: Any person who directly or indirectly receives contributions or makes expenditures or contributions for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of one or more candidates or for or against the ballot qualification or passage of any measure.

Contribution: A payment, a forgiveness of a loan by a third party or an enforceable promise to make a payment except to the extent that full and adequate consideration is received, unless it is clear from the surrounding circumstances that it is not made for political purposes. An expenditure made at the behest of a candidate, committee or elected officer is a contribution to the candidate, committee or elected officer unless full and adequate consideration is received for making the expenditure. "Contribution" includes: The purchase of tickets for events such as dinners, luncheons, rallies and similar fund raising events; the candidate's own money or property used on behalf of his or her candidacy; contribution of goods or services; the granting of discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates for the same office or to all persons advocating a position with regard to any measure; the payment of compensation by any person for the personal services or expenses of any other person if such services are rendered or expenses incurred on behalf of a candidate, committee or measure without payment of full and adequate consideration.

Also includes any transfer of anything of value received by a committee from another committee but does not include amounts received pursuant to an enforceable promise to the extent such amounts have been previously reported as a contribution; provided, that the fact that such amounts have been received shall be indicated in the appropriate campaign statement. "Contribution" does not include volunteer personal services or payments made by an individual for his or her own travel expenses if such payments are made voluntarily without any understanding or agreement that they shall be directly or indirectly repaid to him or her.

Controlled Committee: A committee which is controlled directly or indirectly by a candidate or which acts jointly with a candidate or controlled committee in connection with the making of expenditures. A candidate controls a committee if such candidate, his or her agent or any other committee such candidate controls, has a significant influence on the actions or decisions of the committee.

\* Election: Any city general, special, initiative, referendum or recall election.

Expenditure: A payment, a forgiveness of a loan or any debt, a payment or forgiveness of a loan or debt by a third party, or an enforceable promise to make a payment, unless it is clear from the surrounding circumstances that it is not made for political purposes. An expenditure is made on the date the payment or forgiveness of loan is made or on the date consideration, if any, is received, whichever is earlier.

Fund Raiser Event: Any political event organized for the purpose of raising funds to be used in support of or opposition to any candidate or measure.

Independent Committee: All committees other than a controlled committee.

Measure: Any proposition submitted to a popular vote at any election.

Person: An individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee, labor union, and any other organization or group of persons acting in concert.

Section 3: Limitations

- (a) Contribution by persons-Candidacy No person other than a candidate in aid of himself, shall directly or indirectly make nor shall any person solicit or accept any contribution, gift, subscription, loan, advance, deposit, pledge or promise of money or anything of value in aid of and/or opposition to the nomination or election of a candidate which will cause the total amount contributed to the candidate or any controlled committee of such candidate or any independent committee which is known to publicly support or oppose such candidate by such person in a single election to exceed ONE HUNDRED dollars (\$100.00).
- (b) No person shall make a contribution for any other person under an assumed name or under the name of any other person.
- (c) Contributions, not to exceed a total of TEN dollars (\$10.00) from any one person or source, are permitted to be retained by a candidate or any committee including a committee supporting or opposing the passage of a measure, when received from anonymous sources or from persons who do not consent to having their name made known. Any such amount in excess of TEN dollars (\$10.00) shall be turned over to the City Clerk and deposited to the City's treasury.
- (d) Except as provided in Subsection 3(c) above, no person shall knowingly accept any contribution in excess of TEN dollars (\$10.00) up to \$24.99 without obtaining the name, address and occupation, of the person making the contribution. For amounts of TWENTY FIVE dollars (\$25.00) and more, the employer's name must also be obtained for reporting purposes.
- (e) Contributions by City contractors
  - (1) No person who contracts with the City, either for the rendition of personal services or for the furnishing of any material, supplies, or equipment to the City, or for selling any land or building to the City, directly or indirectly, shall make any contributions to a candidate or committee at

any time between the commencement of negotiations for and during the completion of the performance under, or the termination of negotiations for such contract or the furnishing of material, supplies, equipment, land, or building, whichever occurs later.

- (2) No candidate, agent for a candidate, committee, or agent for a committee shall knowingly solicit any contribution from any person prohibited by subsection (1) of this subsection from making such a contribution.

- (f) Business Contributions. If a contribution is received pursuant to Section 3 (a) from a person, other than an individual, and said person is controlled by an individual, either by controlling interest in stock, percent of ownership, or directorship or voting rights, the contribution of said person shall be deemed the contribution of said controlling individual. The controlling individual shall not make any further contribution to a candidate or committee at any time thereafter. Any contribution from a person, other than an individual, shall identify all persons owning more than a 10% proprietary or voting interest in said person.
- (g) Excess contributions. The total contributions exceeding the maximum provided for in subsection (a) through (e) will be deposited in the general fund of the City, earmarked to be used for the purpose of defraying the costs of municipal elections.

Section 4: Campaign Expenditures Uncontrolled by Candidates of Committees.

Persons or organizations not subject to the control of a candidate but who made expenditures for or against a candidate shall indicate clearly on any material published, displayed, or broadcast that it was not authorized by a candidate when such expenditures in whole or in part would have been covered by the provisions of this chapter if they had been subject to the control of a candidate. Such persons or organizations shall comply with all the filing requirements imposed on candidates and committees by this Ordinance.

Section 5: Election Campaign Accounts.

- (a) Election Campaign Account. Each campaign treasurer and any committee that receives or expends more than TWO HUNDRED (\$200.00) shall open a checking account at a State or Federally chartered Bank or Savings and Loan Association, of his choice within the City of Poway. Said account shall be identified as the election campaign account.
- (b) Deposit of Contributions. All campaign contributions accepted by a campaign treasurer shall be deposited into the election campaign account by the campaign treasurer or his authorized agent.

- (c) Expenditures. Campaign expenditures shall be made only by checks drawn against the election campaign account by the campaign treasurer or his authorized agent.
  - (1) No campaign treasurer, nor his authorized agent, shall draw checks against the election campaign account except for campaign expenses, provided that the campaign treasurer or his authorized agent may draw checks against the election campaign account to transfer to a petty cash fund which is not to exceed ONE HUNDRED FIFTY dollars (\$150.00), total amount in any one election.
  - (2) Funds in the election campaign account shall not be considered for any purpose to be personal funds of a candidate, campaign treasurer, or any other person. Said funds shall be held in trust.
- (d) Access to Records by City Clerk. The City Clerk shall have full access at all reasonable hours to the bank's records concerning all election campaign accounts.
- (e) Disbursement of Unexpended Campaign Funds. If the final campaign statement for a candidate or any committee discloses an unexpended campaign surplus, the campaign treasurer may after the election disburse the whole of said surplus. If said fund is disbursed, it shall be disbursed to the City of Poway for deferment of election costs and/or to non-profit organizations of the campaign treasurer's or candidate's choice within the City. The campaign treasurer shall file a statement within THIRTY (30) days with the City Clerk verifying said closure and listing the donees of all disbursements authorized by this section and the dollar amounts given to each donee.
- (f) Retention of Records. The campaign treasurer shall retain all campaign records for a period of FOUR (4) years after the election.

Section 6: Statements Generally.

- (a) Required. Each candidate and each committee shall file as a public record with the City Clerk, four sworn cumulative itemized reports showing the total amounts of contributions received and expenditures made with respect to such election. The required statements may be completed on campaign statement forms required to be filed by state law so long as such forms are completed in sufficient detail to comply with the requirements of this chapter. Such statements shall contain a declaration by the candidate or committee chairperson that the candidate or committee has neither accepted nor solicited any campaign contribution in excess of the limitations of or in contravention of Section 3.

- (b) Contributions. Each campaign statement shall show the total cumulative amount of contributions received during the period covered by the statement from persons who have given ten dollars or less and the total cumulative amount of contributions received during the period covered by the statement from persons who have given a total of more than ten dollars. Each person who has contributed a total TWENTY-FIVE dollars (\$25.00) or more shall be listed by name, address, occupation, employer and amount contributed. Each person contributing less than TWENTY-FIVE dollars (\$25.00) and who has consented to publication shall be listed by name, address, occupation and employer. The total amount received from anonymous sources and from persons contributing TWENTY-FIVE dollars (\$25.00) or less who have not consented to publication shall be listed. In the event that any portion of the contributions were received in connection with a fund raiser event, then the statement shall list the number of people in attendance, the gross receipts, the date and location of each event.
- (c) Expenditures Generally. Each campaign statement shall show the total amount of expenditures made during the period covered by the statement to persons who have received TWENTY-FIVE dollars (\$25.00). Each person who has received a total of more than TWENTY-FIVE dollars (\$25.00) shall be listed by name and address, together with a brief description of the purpose of the expenditures.
- (d) Estimated Future Expenditures. The campaign statement required to be filed by the candidate or committee upon the Friday next preceding the election date shall include in addition to all other information required by this article, a statement of estimated additional expenditures which the candidate or committee chairperson reasonably expects to expend on or before the election date. There shall be no violation of this article if such estimate is unintentionally at variance with the amounts actually expended.
- (e) Times for Filing Generally. Campaign statements required under this section shall be filed at the following times:
- (1) Between forty and forty-five days prior to the election, such statement to cover the period up to and including the forty-fifth day.
  - (2) Between twelve and seventeen days prior to the election, such statement to cover the period up to and including the seventeenth day.

- (3) On the Friday preceding the election date to cover the period through the previous day.
- (4) Between fifty-eight and sixty-five days following the election, such statement to cover the period through the fifty-eighth day following the election.

Section 7: Declaration in Lieu of Campaign Statement.

A candidate or committee need not file a campaign statement if the lawful receipts or expenditures do not exceed TWO HUNDRED dollars (\$200.00); provided, that the candidate or committee chairperson shall file a written declaration with the City Clerk that to the best of his or her knowledge not more than TWO HUNDRED dollars (\$200.00) has been received or expended on behalf of, in support of, or in opposition to a candidacy or measure, and that said contributions have not exceeded those limitations established in Section 3 of this Ordinance.

Section 8: Suppliers of Goods and Services: Disclosure of Records Required.

No person who supplies goods or services, or both goods and services, to a candidate or committee for use in connection with the campaign of the candidate or for or against a measure shall refuse knowingly to divulge or disclose to the enforcement authority his record of any expenditures made by the candidate or committee in payment for such goods or services, or both.

Section 9: Violations and Penalties Generally

- (a) Any person who knowingly or wilfully violates any provision of this article shall be guilty of a misdemeanor. In addition to any other penalty provided by law, any wilful or knowing failure to report campaign contributions or expenditures, shall be punishable by a fine of not less than FIVE HUNDRED dollars (\$500.00).
- (b) If, after election a candidate is convicted of a violation of any provision of this article, the election to office of such candidate shall be void and such office shall immediately become vacant. In such event the vacancy shall be filled in accordance with the procedures as set forth in the State Government Code. If a candidate is convicted of a violation of any of the provisions of this article at any time prior to election, his or her candidacy shall be terminated immediately and he or she shall no longer be eligible for election.

- (c) No person convicted of a misdemeanor under this article shall be qualified to be a candidate for elective city office within the City of Poway for a period of four years following the date of conviction unless the court at the time of sentencing specifically determines that in the interests of justice this provision shall not be applicable.
- (d) A plea of nolo contendere shall be deemed a conviction for purposes of this section.

Section 10: Late Filing of Campaign Statement.

If any person files a campaign statement after any deadline imposed by this article, he or she may in addition to any other penalties or remedies established by this article, be liable to the City Clerk in the amount of TEN dollars (\$10.00) per day after the deadline until the statement is filed.

The City Clerk shall deposit any funds received under this section into the general fund of the City to defray the cost of municipal elections. No liability under this section shall exceed the cumulative total amount of receipts stated in the late campaign statement or FIFTY dollars (\$50.00), whichever is greater.

Section 11: Enforcement.

- (a) The City Attorney shall enforce all provisions of this Ordinance.
- (b) Notwithstanding the provisions of Subsection (c) below, any person residing in the City of Poway may sue for injunctive relief to enjoin violations or to compel compliance with this Ordinance.
- (c) Any person residing in the City of Poway may bring a civil action consistent with this Ordinance, provided such person first files with the City Attorney a written request for the City Attorney to commence action. The request shall include a statement of grounds for believing a cause for action exists. The City Attorney shall respond within TEN (10) days after receipt of the request indicating intent to file a civil action. If the City Attorney indicates in the affirmative and files suit within THIRTY (30) days thereafter no other action may be brought unless the action brought by the City Attorney is dismissed without prejudice.
- (d) Prosecution for violation of this Ordinance must be commenced within TWO (2) years of the time the alleged violation occurred.
- (e) The court may award to the prevailing party, the costs of litigation including reasonable attorney's fees.



Section 12: Severability.

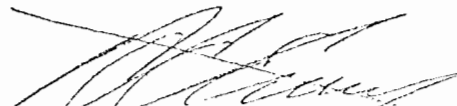
If any provision of this Ordinance or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Ordinance and the applicability of such provisions to other persons and circumstances shall not be affected thereby.

Introduced and first read at a regular meeting of the City Council of the City of Poway held the 1st day of December, 1981 and thereafter PASSED AND ADOPTED at a regular meeting of said City Council held the 8th day of December, 1981 by the following roll call vote:

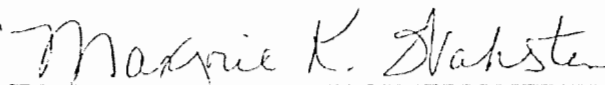
AYES: COUNCILMEMBERS: Oravec, Rexrode, Shepardson, Tarzy, Emery

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

  
Robert C. Emery, Mayor

ATTEST:

  
Marjorie K. Wahlsten, City Clerk

CORRESPONDENCE TRANSMITTAL

CORRESPONDENT ECRIS, Stephen Potway ADVICE # A-84-389  
RE Campaign reporting questions  
DATE REC'D 11-26-84 DATE DUE 12-26-84

LEGAL

TA & A

ENFORCEMENT

BARBARA

KATHY

BOB

☒ DIANE

1. send letter saying we cannot advise
2. look for any relevant letters or  
regs to send

3. decide whether this is worth a  
referral to enforcement - Only if  
we think there was \$500 in indep exps  
so that the committee had filing oblig-  
tions under the PRA

ACKNOWLEDGMENT SENT

REQUEST SEI

B.